



quality charter schools



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QUALITY CHARTER SCHOOL AUTHORIZING IN WISCONSIN:

Authorizer and Charter School Accountability Under the No Child Left Behind Act



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About NACSA

The National Association of Charter School Authorizers (NACSA) is a nonprofit membership association of educational agencies that approve and oversee public charter schools. NACSA welcomes and serves the needs of the full range of chartering authorities: local school boards and districts of all sizes, state boards and departments of education, universities and colleges, municipal offices, nonprofit organizations and independent special purpose boards.

NACSA’s mission is to achieve the establishment and operation of quality charter schools through responsible oversight in the public interest. We believe that quality authorizing plays a critical role in creating and sustaining quality charter schools. A quality charter school is characterized by high student achievement, financial stewardship, and responsible governance and management. Charter schools can improve public education by creating greater educational opportunities for students and educators and greater educational accountability for public schools.

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Special appreciation goes to Todd Ziebarth and Rebecca Cass for their leadership on this project.

Dear Charter School Authorizers:

Charter school authorizers embody a new role in public education. It is one characterized by the granting and oversight of performance contracts, or “charters,” that provide charter schools additional freedom to innovate in return for increased accountability for results. All school boards in Wisconsin, as well as the Milwaukee Area Technical College, Milwaukee Common Council, University of Wisconsin-Milwaukee and University of Wisconsin-Parkside, are allowed to authorize public charter schools. Wisconsin’s public charter schools initiative presents a powerful mechanism for meeting our state’s promise of a quality education for every child. Wisconsin charter schools are charged with fostering an environment of creativity within the public education system and expanding the number of quality public school options available to parents and students. The authorizer’s role is significant in ensuring that the goals of Wisconsin’s charter schools initiative are achieved.

On January 8, 2002, President Bush signed into law the reauthorization of the Elementary and Secondary Education Act, commonly known as No Child Left Behind (NCLB). Arguably the most aggressive federal education law to date, NCLB requires all states, districts and schools, including charter schools, to take bold measures to close the achievement gap and ensure all students reach proficiency by 2013-14.

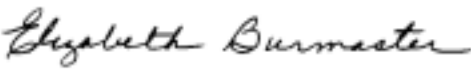
The goals of NCLB—to ensure all students are successful and close the achievement gap between our economically disadvantaged children, children of color, and their peers—are very much aligned with the goals of our charter schools initiative. Yet despite this alignment, there are legitimate issues around how NCLB ought to be implemented in charter schools so as not to compromise the creativity and flexibility that are hallmarks of our state’s charter school law.

That is why the Wisconsin Department of Public Instruction (DPI) partnered with the National Association of Charter School Authorizers (NACSA), a leading national resource on charter school authorizing, to develop guidance on the implementation of NCLB in charter schools. Specifically, we sought to explore the appropriate role for charter school authorizers in NCLB implementation. The result of this work is practical guidance for authorizers examining both the interplay of NCLB with the core elements of the charter school concept and the authorizer’s role in integrating NCLB and charter school accountability. This guidance addresses important issues like the impact of NCLB on new and existing charter contracts and charter renewal decisions and authorizer responsibilities for ensuring the charter schools they oversee are in compliance with NCLB requirements.

I would like to acknowledge and thank the members of the Wisconsin charter school community that contributed to the creation of this guidance: Senn Brown (Wisconsin Charter Schools Association), Phil Ertl (Wauwatosa School District), Paul Haubrich (University of Wisconsin-Parkside), Robert Kattman (University of Wisconsin-Milwaukee), Juanita Lee (Milwaukee Public Schools), Sue Steiner (Kiel Area School District), Robert Pavlik, Gerard Robinson, and Cindy Zautcke with the Institute for the Transformation of Learning at Marquette University and DPI staff Paula Crandall Decker, Robert Soldner, Michael Thompson and Sharon Wendt.

I trust that you will find this guidance useful as you work with the charter schools you oversee. Together we can ensure that all students have access to quality school options that meet high standards for student performance.

Sincerely,



Elizabeth Burmaster
State Superintendent

Dear Wisconsin Authorizers:

How many times have we said charter schools are different because they are genuinely accountable for student performance? Yet in the next sentence we growl about No Child Left Behind (NCLB), the nation’s muscular accountability law, and say it is incompatible with charter schools. What happens to our credibility when we do this?

I guarantee you we are hurt by such inconsistency. NCLB is complex but at its core it has fundamental principles we all support – accountability for improved student achievement, a focus on insistent restructuring of failing schools, important new data on sub-group performance, and quality options for many more American families. We need to knit NCLB accountability into pre-existing arrangements and Wisconsin’s charter school law. Certainly this can get messy and hard, but it is worth the effort. We must preserve the notion of individual school accountability that is aligned with each school’s mission, goals and student population and also meet the legitimate needs on the federal law. As acknowledged in NCLB, authorizers play the critical role in achieving this balance.

This book helps you do that. NACSA is pleased to work with the key players in Wisconsin to create one rational system of charter school accountability that integrates NCLB requirements and remains true to the purposes of chartering. If we approach the task with the right attitude, the hard work will pay off.

Sincerely,



Greg Richmond
President
NACSA

QUALITY CHARTER SCHOOL
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Introduction

With the enactment of a charter school law in 1993, Wisconsin became one of the first states in the nation to enable this new type of autonomous and accountable public school.

The purposes of Wisconsin charter schools are to foster an environment of healthy competition and creativity within the public school system and to expand the number of quality public school options available to parents and students. With 183 charter schools serving 21,500 students in the 2005-06 school year, the Wisconsin charter school movement is alive and well.

There are three types of charter schools in Wisconsin—instrumentality, non-instrumentality and independent. The first two types of charters, instrumentality and non-instrumentality, are authorized by local school boards and the primary distinction between the two is driven by the relationship between the staff of the charter school and the local school district. All personnel of an instrumentality charter school are employees of the district that authorized the school. A non-instrumentality charter school is generally organized as a nonprofit corporation which employs its own staff. An independent charter school is chartered by a non-district authorizer (i.e. a university or a municipal body).

A vast majority of the charter school authorizers—the entities that approve and oversee charter schools—in Wisconsin are local school boards. In fact, 78 local school boards are authorizing charter schools in the 2005-06 school year. In addition, the Milwaukee Common Council and the University of Wisconsin-Milwaukee and the University of Wisconsin-Parkside have approved and oversee charter schools in Milwaukee and Racine, respectively.

Across the country and in Wisconsin alike, there is a growing recognition of the significant role of charter school authorizers for the ultimate success of charter schools. Among their important responsibilities, charter school authorizers:

- Encourage the creation of new quality public school options;
- Determine whether an application to start and operate a charter school merits approval;
- Negotiate a contract with an approved charter school that defines the specific operating terms and performance expectations for which the charter school will be held accountable;
- Conduct ongoing oversight of charter schools to evaluate performance, monitor compliance and enforce contract terms; and,
- Determine whether to renew a charter based upon the results achieved by the school.

WHAT IS A CHARTER SCHOOL?

A charter school is a tuition-free public school created on the basis of a contract or “charter” between the school and a local school board or other authorizer. A charter school has more freedom than a traditional public school in return for a commitment to meet higher standards of accountability.

WHAT IS A CHARTER SCHOOL AUTHORIZER?

A charter school authorizer is an entity charged by state law to approve and oversee the performance of charter schools. All school boards in Wisconsin, as well as the Milwaukee Area Technical College, Milwaukee Common Council, University of Wisconsin-Milwaukee and University of Wisconsin-Parkside, are eligible charter school authorizers.

The theory behind charter schooling in Wisconsin and other states is that schools should receive greater autonomy over educational, budgetary, human resources and organizational decisions in exchange for being held to higher levels of accountability—both in terms of academic and organizational performance. Accordingly, an authorizer and a charter school agree on a set of per-

Like all public schools in the country, Wisconsin charter schools are subject to the testing, accountability and highly qualified teacher requirements of NCLB, and therefore charter schools and authorizers alike should be well versed with this comprehensive law.

formance goals and expectations that the authorizer will use to hold the school accountable. These goals and expectations, as defined in the school's contract, usually include measures common to all schools—such as state test results—and measures unique to a particular school—such as the number of students who have previously dropped out of school that return and earn a high school diploma.

With the enactment of the No Child Left Behind Act (NCLB) in 2002, the federal government overhauled accountability for all public schools—including charter schools. Comprised of 10 Titles, NCLB has dramatically changed the K-12 education landscape by requiring statewide uniform accountability systems, increased testing of all students, public reporting, consequences for underperformance and teacher credentialing requirements.

Like all public schools in the country, Wisconsin charter schools are subject to the testing, accountability and highly qualified teacher requirements of NCLB, and therefore charter schools and authorizers alike should be well versed with this comprehensive law. In addition, charter schools that receive funding under NCLB are subject to additional requirements associated with the specific Title for which they receive funding. The United States Department of Education (US ED) and the Wisconsin Department of Public Instruction (DPI) have released, and will continue to issue as needed, documents that provide guidance on implementing the numerous components of NCLB. A majority of these documents can be found on the NCLB website of the US ED and the NCLB website of DPI.

And while US ED has released general non-regulatory guidance on the impact of NCLB on charter schools, several state-specific issues remain for Wisconsin charter school authorizers. The purpose of this document is to provide guidance that is specific to the unique issues and obligations of Wisconsin authorizers in ensuring charter schools are in compliance with NCLB's academic accountability requirements. Specifically, this guidance discusses the roles of DPI, authorizers and charter schools in implementing NCLB accountability requirements in charter schools, and examines the interplay between NCLB and the state's charter school accountability system.

NCLB Academic Accountability Requirements in Charter Schools

In a notable provision of NCLB, accountability for charter schools must be overseen in accordance with each state's charter school law.

In Wisconsin, this provision means **that charter school authorizers are primarily responsible for holding charter schools accountable for implementing the accountability requirements of NCLB**. Broadly speaking, charter schools must administer state standardized tests, make adequate yearly progress and—if they receive Title I, Part A funds—face the same federal sanctions as non-charter public schools if they don't make AYP.

Testing

Beginning in the 2005-06 school year, NCLB requires each state to test all students in grades 3–8 and once in high school on state standards in the areas of reading and mathematics.

Wisconsin administers the statewide Wisconsin Knowledge and Concept Examinations—Criterion Referenced Tests (WKCE-CRT) in grades 4, 8 and 10 in five subject areas (reading, language arts, mathematics, science and social studies) and also tests grades 3, 5, 6 and 7 in reading and mathematics. Charter school authorizers must ensure that all charter schools participate in these statewide assessments.

Charter school authorizers are primarily responsible for holding charter schools accountable for implementing the accountability requirements of NCLB.

SUMMARY OF RESPONSIBILITIES FOR IMPLEMENTING NCLB ACADEMIC ACCOUNTABILITY PROVISIONS IN CHARTER SCHOOLS

In implementing NCLB academic accountability provisions in the Wisconsin charter schools,

DPI:	<ul style="list-style-type: none">■ Determines the AYP status of each Wisconsin charter school;■ Notifies charter schools of their AYP status; and,■ Notifies charter school authorizers, both district and independent, of the AYP status for each charter school they oversee.
Charter School Authorizers:	<ul style="list-style-type: none">■ Ensure charter schools administer the appropriate state standardized tests for each grade enrolled;■ Ensure charter schools understand their AYP status and its implications; and■ Monitor a charter school's compliance with NCLB's requirements, including sanctions, as required, for not meeting AYP.
Charter Schools:	<ul style="list-style-type: none">■ Administer state standardized tests;■ Confirm their AYP status; and■ Implement, as required, sanctions for not meeting AYP.

Adequate Yearly Progress

NCLB holds districts and schools accountable for having a certain percentage of students scoring at a proficient or advanced level in reading and mathematics each year, with the final goal of 100% proficiency by the 2013-14 school year.

Districts¹ and schools, including charter schools, must make Adequate Yearly Progress (AYP) toward statewide established benchmarks in the following four objectives:

1. Test Participation
At least 95% of the total number of students enrolled in the tested grades at the time of testing must participate in the reading and mathematics assessments.
2. Reading Proficiency
The percentage of full academic year (FAY) tested students who score at or above the “Proficient” level in the current year must be equal to or greater than the annual measurable objective for reading. See Table 1 for a complete list of proficiency objectives by year.
3. Mathematics Proficiency
The percentage of FAY tested students who score at or above the “Proficient” level in the current year must be equal to or greater than the annual measurable objective for mathematics. See Table 1 for a complete list of proficiency objectives by year.

TABLE 1 :
WISCONSIN PROFICIENCY TARGETS
IN READING AND MATH*

		Proficient or Advanced	
		Reading	Math
Starting Point	2001-02	61%	37%
	2002-03	61%	37%
	2003-04	61%	37%
Intermediate Goal (New Tests Begin)	2004-05	67.5%	47.5%
	2005-06	67.5%	47.5%
	2006-07	67.5%	47.5%
Intermediate Goal	2007-08	74%	58%
	2008-09	74%	58%
	2009-10	74%	58%
Intermediate Goal	2010-11	80.5%	68.5%
Intermediate Goal	2011-12	87%	79%
Intermediate Goal	2012-13	93.5%	89.5%
Final Goal	2013-14	100%	100%

*Schools compare their AYP proficiency scores against the above targets. Actual proficiency scores for the purposes of AYP may vary from scores publicly reported on Wisconsin Information Network for Successful Schools (WINSS) or by schools and districts based on statistical procedures used to determine AYP and to ensure the state's accountability system is valid.

Safe Harbor: This provision in the law allows schools, districts or both to make AYP when they missed the annual targets in reading and/or mathematics proficiency if they have shown significant growth from the previous year. Significant growth requires the school or district to reduce the percentage of students not yet proficient by at least 10% from the previous year. In addition, the school must meet a second criteria which requires the subgroup(s) to meet or exceed the statewide average in attendance or graduation or meet minimal acceptable achievement proficiency in science.

4. Attendance/Graduation
Schools and districts must meet the required criteria for this objective or show growth from the previous year:
- The high school graduation rate (of schools that graduate students) must be at least 90% of the statewide rate or show growth from the previous year. For example, for the 2004-05 accountability year, 90% of the state average (90.8%) is 82%.

RECOMMENDED PRACTICE: AYP TARGETS AND CHARTER CONTRACTS

While NCLB does not require authorizers to incorporate AYP targets into charter contracts, there are compelling reasons for doing so.

By its very definition, the contract documents the terms and conditions under which the charter school must operate and defines the performance expectations to which the school will be held accountable. As AYP objectives are a federally mandated expectation, incorporating AYP into contracts supports transparency and clarity, for all parties, regarding the performance charter schools are expected to achieve.

Furthermore, including AYP objectives into the contract gives the authorizer additional leverage and opportunity to intervene and/or require remedial action when a school's performance is less than expected.

The process by which an authorizer incorporates AYP into charter contracts may differ depending upon whether the charter school is a new or an existing school. For example, authorizers may choose to incorporate AYP into contracts with new schools when the contract is initially negotiated.

For schools already in operation, authorizers may want to amend existing contracts to include AYP objectives. But as a contract is an agreement between two parties—the charter school and the authorizer—amendments to contracts need to be mutually agreed upon. Thus, authorizers seeking to amend existing contracts to include AYP should articulate to schools why such amendments are requested and the implications of such amendments.

Another and perhaps easier option is for the authorizer to incorporate AYP objectives in contracts with existing schools at the time of each school's charter renewal. The inclusion of AYP objectives might be considered a condition for charter renewal.

Whether it is a new or existing school, it is important to note that the inclusion of AYP objectives ought not to be the only academic accountability measures for which the school is held accountable. Rather, AYP should be one among several other goals—such as mission-specific and value-added measures. It is important for authorizers not to emphasize AYP targets at the expense of other important goals that are in alignment with the purposes of charter schooling in Wisconsin.

RECOMMENDED PRACTICE IN ACTION: THE MILWAUKEE COMMON COUNCIL PERFORMANCE EXPECTATIONS

The Milwaukee Common Council (Council) requires the charter schools it authorizes to demonstrate the impact/effect the school is having on the students it serves. In order to measure this, Council authorized schools develop contract goals using a variety of indicators including:

- State standardized assessments, including AYP determinations;
- Stanford Diagnostic Reading Test for all students in 1st, 2nd, and 3rd grade and/or other nationally-normed assessments;
- Local assessments such as
 - running records of skills
 - assignments/portfolios that demonstrate mastery using clear criteria/rubrics
 - IEP goals and benchmarks, and
- Other accountability measures that the school deems significant.

Taken together, these measures allow the Council to evaluate a school's overall performance and assess the “value-added” of the charter school for the students it serves.

QUALITY AUTHORIZING DEFINED:
PERFORMANCE CONTRACTING

According to the National Association of Charter School Authorizers’ (NACSA) *Principles and Standards for Quality Charter School Authorizing*, a quality authorizer negotiates contracts with charter schools that clearly articulate the rights and responsibilities of each party regarding school autonomy, expected outcomes, measures for evaluating success or failure, performance consequences and other material terms.

The contract should define clear, measurable and attainable student achievement and organizational performance goals against which the authorizer will evaluate the school on an ongoing basis and for renewal.

- Schools that don’t graduate students (i.e. elementary and/or middle schools) must meet 90% of the statewide attendance rate or show growth from the previous year. For example, for the 2004-05 accountability year, 90% of the statewide average (94.3%) is 85%.
- Under NCLB, data for test participation, reading proficiency and mathematics proficiency must be disaggregated by the following student groups:
 - The five major ethnic groups in the state (American Indian/Alaska Native, Asian/Pacific Islander, Black, Hispanic, White)
 - Limited English proficient
 - Students with disabilities
 - Economically disadvantaged students

For charter schools that enroll only grades for which there is no state assessment (e.g. K-2 schools or schools with only a 9th grade), the authorizer is responsible for certifying to DPI whether the school made adequate progress in reading and mathematics. The certification should be based on criteria as determined by the authorizer. Methods of determining progress may include, but are not limited to, report card grades, school-level assessments or teacher checklists. (Additional guidance on the certification process can be obtained by contacting DPI’s Successful Schools Team.)

HOW DOES AYP IMPACT NEW AND EXISTING CHARTER CONTRACTS?

According to federal guidance, charter school authorizers may incorporate AYP objectives into charter contracts, but NCLB does not explicitly require them to do so.² It is important to note, however, that the exclusion of AYP objectives from charter contracts in no way waives such requirements for charter schools. Simply put, AYP applies to charter schools whether included in charter contracts or not. Therefore, authorizers ought to carefully consider the implications for and against including AYP objectives into charter contracts and act accordingly. (See *Recommended Practice: AYP Targets and Charter Contracts* page 5.)

HOW DOES AYP IMPACT CHARTER RENEWAL DECISIONS?

According to the federal guidance, nothing in NCLB prohibits the continuation of existing contracts or prohibits the development of future contracts that meet or exceed NCLB’s Title I accountability requirements. The federal guidance states that if a charter school’s contract with its authorizer imposes more immediate consequences than a state’s Title I accountability plan, the authorizer should take appropriate steps to ensure that the school abides by the contract as specified in the state’s charter school law, notwithstanding the fact that the charter school

RECOMMENDED PRACTICE: AYP AND CHARTER RENEWAL DECISIONS

Charter school renewal poses the ultimate decision a Wisconsin authorizer must make. Authorizers are charged with determining whether a school has been academically successful, organizationally viable and faithful to the terms of its charter. Only schools that meet these high standards warrant charter renewal.

By its very definition, AYP is a measure of how well a school is doing in getting its students proficient in reading and math. Therefore, it makes sense that authorizers consider AYP determinations when judging if a school is an academic success.

It is expected that there will be a correlation between AYP and other measures of academic success; that is schools that meet AYP will also post strong results on other academic measures. That said, it is plausible that a school, particularly a school that serves high-risk, high-need populations, may make great gains in moving cohorts of students toward proficiency, but still fail to meet its AYP targets in a given year. Does this school deserve to have its charter renewed?

In actuality, charter school renewal need not be a yes or no decision solely. Authorizers may find it makes sense to issue “conditional” renewals to charter schools that are making significant progress with students, but still fall short of their AYP targets for one or more years. In issuing a conditional renewal, authorizers ought to require schools to take aggressive steps for ensuring its students meet AYP in future years.

It is also plausible that a charter school will fail to meet AYP for a number of consecutive years but still have other positive achievement results. In such cases, authorizers should take a hard look at the school’s data to ensure its validity before rendering a charter renewal decision. Where charter schools are not meeting high standards for student performance, an authorizer has powerful evidence that the school does not warrant charter renewal.

RECOMMENDED PRACTICE IN ACTION:
MILWAUKEE PUBLIC SCHOOLS DETERMINE CHARTER “WORTHINESS”

Milwaukee Public Schools (the public school district of the City of Milwaukee) has a long history of authorizing charter schools. To conduct its chartering duties effectively, the school board and superintendent co-appoint the MPS Charter School Contract Review Team. The Team is charged with reviewing, evaluating and making recommendations regarding renewal of charter school contracts.

For each school, the Team studies documentation relative to:

■ Absolute, comparative, and value-added measures of student performance in math, reading, language arts, science, social studies and writing;	■ School climate surveys;
■ Contract compliance and performance;	■ Reporting compliance;
■ Financial audits and budgets;	■ Attendance at mandatory meetings;
■ Special education issues;	■ Site visit observations;
■ Parent concerns;	■ Student enrollment data, and
	■ No Child Left Behind School Identified for Improvement status.

The Team considers the data available in each of these categories and reaches a renewal recommendation through collaboration and consensus.

may have made AYP.³ Furthermore, nothing in NCLB requires that an authorizer revoke or not renew a charter contract simply because the school failed to make AYP. So, how should Wisconsin authorizers weigh AYP determinations when making charter renewal decisions?

In Wisconsin, the bottom line is that AYP determinations are important pieces of evidence that the charter school authorizer should collect and analyze when making renewal decisions about charter schools. However, AYP determinations do not replace the accountability that has been established for Wisconsin charter schools. While charter school authorizers should not overlook the importance of AYP determinations, they should still place them in a larger context of multiple measures of academic and non-academic performance in the renewal decisionmaking process. (See *Recommended Practice: AYP and Charter Renewal Decisions* page 7.)

Schools Identified for Improvement

Schools, including charter schools, that miss AYP in one or more of the four objectives (test participation, reading proficiency, mathematics proficiency, attendance/graduation) are considered to have missed AYP for that given year and schools that miss the same objective for two years in a row are identified for improvement. Like its non-charter counterparts, a charter school that receives Title I funds is subject to federal sanctions—whether it is part of an LEA (i.e. an

instrumentality or non-instrumentality charter school) or its own LEA (i.e. an independent charter school).

As the number of consecutive years that a school does not meet its AYP targets increases, so do the severity of the sanctions placed on such schools. The most severe sanctions could put a school's charter in jeopardy of being revoked or not renewed. In order to be removed from the list of schools identified for improvement, the school must make adequate yearly progress for two consecutive years in the objectives(s) that resulted in the identification.

QUALITY AUTHORIZING DEFINED: RENEWAL DECISIONMAKING

According to NACSA's *Principle and Standards for Quality Charter School Authorizing*, a quality authorizer designs and implements a transparent and rigorous process that uses comprehensive data to make merit-based decisions.

Multiple sources of data—including state-mandated, standardized and internal test data, student academic growth over time, evidence of mission-related outcomes and qualitative reviews—should be considered in judging school quality.

SCHOOLS IDENTIFIED FOR IMPROVEMENT (SIFI) LEVEL 1

A school that missed one or more AYP objectives for two consecutive years must notify parents of their child's school identification, adopt a two-year school improvement plan and give parents the option to transfer their students to another public school, charter or non-charter.

NOTIFICATION

When a charter school is identified as in need of improvement, its authorizer must ensure that information is promptly provided to the parents of each child enrolled in the school explaining what the identification means, the reasons for the school being identified, what the school is

doing to improve, what help the school is getting and how parents can become involved in addressing the academic issues that led to the identification.

PUBLIC SCHOOL CHOICE

For instrumentality and non-instrumentality charter schools, the local school district must notify parents of the options for transferring to a higher performing school and provide transportation to students who take advantage of one of the options.

For independent charter schools, the charter school must notify parents of the school's status and their options, including returning to their "home" public school. Neither the charter school nor the authorizer of an independent charter school are required to provide transportation to students that opt to attend another school.

IMPROVEMENT PLAN

As required by NCLB, if a charter school does not make AYP for two consecutive years, it must develop an improvement plan for increasing student achievement. The plan should be the result of a comprehensive analysis of student data and must:

- Cover a 2-year period;
- Incorporate scientifically-based research strategies;

RECOMMENDED PRACTICE: NCLB IMPROVEMENT PLANS AND "CHARTER" DOCUMENTS

When writing improvement plans, charter schools and authorizers alike should not consider this plan as completely separate from other documents that schools must produce and/or use to guide their development (e.g. the charter school application, contract). Rather, charter schools should align improvement plans with the "charter-specific" documents to ensure a consistency and clarity in strategies for improving student achievement.

RECOMMENDED PRACTICE IN ACTION: UNIVERSITY OF WISCONSIN—MILWAUKEE AND PARKSIDE

At the beginning of each school year charter schools authorized by the University of Wisconsin- Milwaukee or the University of Wisconsin-Parkside, are required to develop an accountability plan. The creation of the plan is initiated by a data-driven needs assessment based on the Baldrige National Quality Program's Criteria for Performance Excellence. From this assessment, the school determines a set of annual improvement goals. For each improvement goal the school develops: (1) background analysis of relevant data, (2) key indicators of success, (3) approach to the problem, (4) deployment of resources, and (5) data collection plan.

The authorizer monitors progress the school is making toward its goals throughout the year. At the end of the school year, the school submits an accountability report which provides quantified data regarding the results of the improvement effort.

Both UW-M and UW-P use this improvement process with schools required to develop improvement plans under NCLB. As a result, schools create NCLB improvement plans that are fully aligned with the defined charter school accountability system. In doing so, schools are able to focus on one concrete plan for improving student achievement.

- Adopt policies and practices concerning the school's core academic subjects that have the greatest likelihood of raising student achievement;
- Assure that the school will spend not less than 10% of its Title I funds on high-quality professional development annually that addresses the academic achievement problem that caused the school to be in improvement status;
- Specify how the funds will be used to remove the school from improvement status
- Establish annual measurable objectives for continuous and substantial progress to ensure that each subgroup will meet proficiency;
- Describe how the school will provide written notice about the identification to parents of each student enrolled in such school;
- Specify the responsibilities of the school, the authorizer and DPI in serving the school under the plan, including any technical assistance to be provided;
- Include strategies to promote effective parental involvement in the school
- Incorporate, as appropriate, activities before school, after school, during the summer and during any extension of the school year; and
- Incorporate a teacher mentoring program.⁴

When a school is developing and implementing its improvement plan, the school's authorizer must

- Ensure that the school receives technical assistance—by either providing the technical assistance itself or hiring, or ensuring the school hires, an external organization to work with the school in developing and/or implementing its plan;
- Review the improvement plan through a peer review process. In doing so, the authorizer should engage the school in conversation about the plan to exchange ideas and offer resources and work with the school to make necessary revisions to the plan;
- Ensure, once the plan meets the requirements of NCLB, that the charter school's governing board has approved it and;
- Monitor the school's implementation of the approved plan.⁵

SCHOOLS IDENTIFIED FOR IMPROVEMENT (SIFI) LEVEL 2

Pupils from low-income families at the school identified for improvement are eligible to receive services from a state approved supplemental educational services (SES) provider.

A school that missed one or more AYP objectives for three consecutive years must notify parents of the status, continue school improvement efforts, continue to provide students the option to transfer to another public school and give students from low income families the option of obtaining **supplemental educational services** (i.e. tutoring) from state approved providers.

SUPPLEMENTAL EDUCATIONAL SERVICES

Pupils from low-income families at the school identified for improvement are eligible to receive services from a state approved supplemental educational services (SES) provider.

For instrumentality and non-instrumentality charter schools, the local school district must pay for SES services from Title I funds. An independent charter school must also pay for such services from the school's Title I funds.

SCHOOLS IDENTIFIED FOR IMPROVEMENT (SIFI) LEVEL 3

A school that missed one or more AYP objectives for four consecutive years must notify parents of the status, continue school improvement efforts, continue to provide all students in the school the option to transfer to another public school, continue to give students from low income families the option of obtaining supplemental education services and **implement corrective action**.

CORRECTIVE ACTION

Under corrective action, the school's authorizer must ensure that the school takes one or more of the following corrective actions:

- Replace the school staff that are relevant to the failure to make AYP;
- Institute and fully implement a new curriculum, including providing appropriate professional development for all relevant staff, that is based on scientifically based research and offers substantial promise of improving educational achievement for low-achieving students and enabling the school to make AYP;
- Significantly decrease management authority at the school;
- Appoint an outside expert to advise the school on its progress toward making AYP, based on its school plan;
- Extend the school year or school day for the school; or
- Restructure the internal organizational structure of the school.

It is important to note that corrective actions mandated by NCLB require the school to make significant changes to how they are currently educating students. As such, undertaking one or more of these changes may require the charter school to make modifications to the contract with its authorizer. Thus, authorizers should determine which corrective actions require contract modifications and work with schools to make appropriate and mutually agreeable changes.

SCHOOLS IDENTIFIED FOR IMPROVEMENT (SIFI) LEVEL 4

A school that missed one or more AYP objectives for five consecutive years must notify parents of the status, continue to provide all students in the school the option to transfer to another public school, continue to give students from low income families the option of obtaining supplemental educational services and **prepare to restructure** the school.

RESTRUCTURING

The school's authorizer must create a plan to restructure the school in one of the following ways:

- Reopen the school as a different public charter school;
- Replace all or most of the school staff, which may include the principal, who are relevant to the school's failure to make AYP;
- Enter into a contract with an entity, such as a private management company with a demonstrated record of effectiveness, to operate the school as a public school; or
- Any other major restructuring of a school's governance arrangement.⁶

SCHOOLS IDENTIFIED FOR IMPROVEMENT (SIFI) LEVEL 5

A school that missed one or more AYP objectives for six consecutive years must notify parent of the status, continue to provide all students in the school the option to transfer to another public school, continue to give students from low income families the option of obtaining supplemental educational services and **implement the plan to restructure** the school.

While NCLB outlines specific actions for restructuring a school, Wisconsin charter school law states additional possible consequences for a charter school not meeting its performance expectations: revocation or non-renewal of the school's charter by the authorizing entity. Therefore, authorizers should be clear that a real possibility for "restructuring" a charter school may be revocation or non-renewal of its charter. (See *Recommended Practice: AYP and Charter Renewal Decisions* page 7.)

Conclusion

With the enactment of NCLB, the federal government raised the nation's expectations for student achievement in public schools—including charter schools. As required by NCLB, states, districts

All parties—the DPI, charter school authorizers, and charter schools—have important roles to play in helping charter schools meet these increasingly challenging federal expectations while staying true to the original intent of the state's charter school law.

and schools must meet state-defined proficiency levels by the 2013-14 school year. All parties—the DPI, charter school authorizers, and charter schools—have important roles to play in helping charter schools meet these increasingly challenging federal expectations while staying true to the original intent of the state's charter school law.

ENDNOTES

- 1 There are instances when independent charter school authorizers are considered local education agencies (LEA). For the purposes of the federal AYP requirements, however, independent authorizers are not held to the accountability provisions of school districts. They are responsible, though, for ensuring that the charter schools they oversee meet the school-level accountability requirements.
- 2 "The Impact of the New Title I Requirements on Charter Schools: Non-Regulatory Guidance," U.S. Department of Education, July 2004.
- 3 "The Impact of the New Title I Requirements on Charter Schools: Non-Regulatory Guidance," U.S. Department of Education, July 2004.
- 4 "Sanctions for Title I Schools Not Making Adequate Yearly Progress (AYP)," Wisconsin Department of Public Instruction, July 16, 2004.
- 5 "The Impact of the New Title I Requirements on Charter Schools: Non-Regulatory Guidance," U.S. Department of Education, July 2004.
- 6 NCLB allows another option—turn the operation of the school over to the state education agency, if permitted under state law and agreed to by the state. This option is not allowed under Wisconsin law.

APPENDIX A: AUTHORIZER CHECKLIST IMPLEMENTING NCLB SANCTIONS IN CHARTER SCHOOLS

For schools that have not made AYP for two consecutive years:

- ☐ Has the school sent notification to parents explaining its "AYP status?"
- ☐ Has the school developed a School Improvement Plan for increasing student performance?
- ☐ Is the school implementing the School Improvement Plan?
- ☐ If the school is a Title I school, is it offering public school choice?

For schools that receive Title I funds and have not made AYP for three consecutive years:

- ☐ Has the school sent notification to parents explaining its "AYP status?"
- ☐ Has the school revised its School Improvement Plan for increasing student performance?
- ☐ Is the school implementing the School Improvement Plan?
- ☐ Is the school offering public school choice?

Is the school offering eligible students supplemental educational services?

- ☐ For schools that receive Title I funds and have not made AYP for four consecutive years:
- ☐ Has the school sent notification to parents explaining its "AYP status?"
- ☐ Has the school revised its School Improvement Plan for increasing student performance?
- ☐ Is the school implementing the School Improvement Plan?
- ☐ Is the school offering public school choice?
- ☐ Is the school offering eligible students supplemental educational services?
- ☐ Is the school implementing one or more "corrective actions?"

For schools that receive Title I funds and have not made AYP for five consecutive years:

- ☐ Has the school sent notification to parents explaining its "AYP status?"
- ☐ Is the school offering public school choice?
- ☐ Is the school offering eligible students supplemental educational services?
- ☐ Is the school implementing one or more "corrective actions?"
- ☐ Are you developing a plan to "restructure" the charter school?

For schools that receive Title I funds and have not made AYP for six consecutive years:

- ☐ Has the school sent notification to parents explaining its "AYP status?"
- ☐ Is the school offering public school choice?
- ☐ Is the school offering eligible students supplemental educational services?
- ☐ Are you implementing the plan to "restructure" the school?

APPENDIX B: QUESTIONS AND ANSWERS

Q1. Are charter schools subject to meeting adequate yearly progress (AYP)?

Yes. Charter schools, like all Wisconsin public schools, are subject to the state's accountability requirements, including the requirement to make AYP.

Q2. Who determines whether a particular charter school has made AYP?

For all Wisconsin districts and schools, including charter schools, with grades tested by the Wisconsin Knowledge and Concepts Examinations and Wisconsin Alternate Assessments, The Wisconsin Department of Public Instruction (DPI) makes the AYP determination.

AYP determinations for such districts and schools are based on: results on the state's reading and math tests, participation rates on the state tests, and attendance or graduation rates. DPI notifies charter schools and their authorizers about their AYP status.

For charter schools without a tested grade (i.e. K- 2 schools), the charter school authorizer is responsible for certifying to DPI whether the school made adequate progress in reading and mathematics. The certification should be based on criteria determined by the authorizer and may include, but is not limited to: report card grades, school-level assessments or teacher checklists.

Q3. Is an authorizer required to incorporate AYP objectives into new and existing charter contracts?

NCLB does not require a charter school authorizer to incorporate AYP objectives into new and existing charter contracts. The exclusion of AYP in charter contracts, however, in no way waives such requirements for charter schools. AYP applies to charter schools whether included in contracts or not.

Q4. Can authorizers enter into/enforce existing contracts that exceed NCLB's Title I accountability requirements?

Nothing in NCLB prohibits the continuation of existing contracts or the development of future contracts that meet or exceed NCLB's Title I accountability requirements. In fact, federal guidance states that if a charter school's contract with its authorizer imposes more immediate consequences than a state's Title I accountability plan, the authorizer should take appropriate steps to ensure that the school abides by the contract as specified in the state's charter school law.

Q5. Are AYP objectives the only measure by which an authorizer should hold charter schools accountable?

No. While AYP is a federally-mandated accountability measure to which authorizers must hold charter schools accountable, Wisconsin charter school law also requires that an authorizer hold charter schools accountable to the terms of their contract. The contract should include multiple measures of academic and organizational performance that the school will be accountable to achieving as well as define the school's operating terms and conditions (i.e. compliance with applicable law).

Q6. How do AYP determinations impact an authorizer's charter school renewal decision?

AYP determinations are an important measure of academic performance and should be considered carefully in a charter renewal decision. However, authorizers should also consider other measures of academic and non-academic performance in the renewal decision making process.

Q7. Are charter schools subject to the sanctions of NCLB when AYP is not met?

Yes. The sanctions outlined by NCLB for public schools receiving Title I funds that fail to make AYP are applicable to charter schools.

Q8. Who is responsible for ensuring that charter schools "identified for improvement" implement sanctions as identified in NCLB?

As part of the oversight and monitoring process, an authorizer is responsible for ensuring that any charter school with which it has a contract implement the appropriate sanctions required by NCLB.

Q9. What would it mean for an authorizer to "restructure" a charter school that has not made AYP for six consecutive years?

NCLB outlines specific actions for restructuring a failing school, including but not limited to, contracting out the management of the school to a private company or the state or significantly changing the governance structure of the school. Meanwhile, Wisconsin charter school law defines additional consequences for a "failing" charter school: revocation or non-renewal of the school's charter. Therefore, a very real option for restructuring a charter school could mean that authorizer revokes or does not renew the charter.

APPENDIX C: GLOSSARY OF TERMS

WISCONSIN SPECIFIC

Charter School: A tuition-free public school created on the basis of a contract or "charter" between the school and a local school board or other authorizer. A charter school has more freedom than a traditional public school in return for a commitment to meet higher standards of accountability.

Charter School Authorizer: An entity charged by state law to approve and oversee the performance of charter schools.

Independent Charter School: An independent charter school is authorized by a non-district authorizer (i.e. a university or a municipal body). Staff members of the charter school are employees of the entity as identified in the school's contract.

Instrumentality Charter School: An instrumentality charter school is authorized by a local school board and its staff members are employees of the district that authorized the school.

Non-Instrumentality Charter School: A non-instrumentality charter school is authorized by a local school board and its staff members are employees of the entity as identified in the school's contract.

NATIONAL

Adequate Yearly Progress: Adequate Yearly Progress (AYP) is an accountability measure under the No Child Left Behind Act that defines annual achievement targets for order for all students to reach 100% proficiency in reading and math by the 2013-14 school year.

AYP standards vary from state to state, but each state's definition must include expectations for growth in student achievement in reading and mathematics that is continuous and substantial, test participation rates, graduation rates for high schools and other academic indicators for elementary and middle schools. Schools and districts that do not meet AYP are subject to specific sanctions that ratchet up when AYP is not met in consecutive years.

Title I, Part A: Title I, Part A (which began as part of the Elementary and Secondary Education Act of 1965, and was renewed under NCLB) provides local educational agencies with federal resources to help improve instruction in high-poverty schools and ensure that poor and minority children have the same opportunities as other children to meet challenging state academic standards. Under new NCLB standards, funds from Title I, Part A must be put towards activities that scientifically based research suggests will be most effective in helping all students meet state standards.

APPENDIX D: REFERENCES AND RESOURCES

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The entire text of the NCLB.

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